
FY 2009 Regulatory Fees Payment Deadline: September 22, 2009

by Richard R. Zaragoza and Christine A. Reilly

Federal Communications Commission has announced that full payment of all applicable Regulatory Fees for Fiscal Year 2009 must be received no later than September 22, 2009. The price of missing the deadline is a 25% up-charge.

On August 21, 2009, the Federal Communications Commission released a Public Notice officially announcing September 22, 2009 as the deadline for payment for its annual regulatory fees for FY 2009. Licensees and permittees subject to annual regulatory fees must make their payments no later than 11:59 pm, EDT, on September 22, 2009.

The penalty for late or non-payment of the annual regulatory fee is 25% of the total amount owed and not paid. In addition, the Commission will refuse to process a licensee's/permittee's applications until full payment, including any applicable penalty, has been received. Lastly, failure to pay in full may also subject a regulatee to loss of its FCC authorizations.

This year the FCC mailed assessment notices to licensees/permittees reflecting the FCC's understanding of their required payment obligations. Those notices may not include all of your stations and do not take into account any of your auxiliary licenses for which fees are also due. Accordingly, you should not assume that the notice is correct or complete.

Annual regulatory fees are owed for most FCC authorizations held as of October 1, 2008 by any licensee or permittee which is not otherwise exempt from the payment of such fees. Licensees and permittees may review assessed fees using the FCC's Media Look-Up website—<http://www.fccfees.com>. As a general rule, these fees do not apply to governmental entities and non-profit entities. In the case of a sale of a station, the full amount must be paid by the new holder of the authorizations as of September 22, 2009. Parties to such transactions should have made arrangements regarding the apportionment of the fees among themselves as part of their negotiations.

As previously reported, the FCC now requires all filers to electronically generate FCC Form 159-E. Consequently, all authorization holders subject to annual regulatory fees, regardless of their preferred method of payment (i.e. check, credit card, money order or wire transfer), must **prepare** an FCC Form 159 using the Commission's online FeeFiler system, found at <http://www.fcc.gov/fees/feefiler.html>. If an authorization

holder prefers not to pay online, the holder must either (i) **mail** its full payment along with the completed FCC Form **159-E** to: Federal Communications Commission, Regulatory Fees, P.O. Box 979084, St. Louis, Missouri 63197-9000, or (ii) send its full payment along with the completed FCC Form 159-E **by courier** to: Federal Communications Commission, Regulatory Fees, C/O U.S. Bank—Government Lockbox 979084, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, Missouri 63101.

For more information on the fees, including assistance in preparing and filing them with the Commission, please contact any of the lawyers in the Communications Practice Section.

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